

**IN THE U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS
CHICAGO, ILLINOIS**

WALTER SLOAN,

Plaintiff

vs.

VILLAGE OF HICKORY HILLS, ILLINOIS
A municipal corporation, and
ALAN VODICKA, CHIEF OF POLICE
VILLAGE OF HICKORY HILLS
POLICE DEPARTMENT,
JOSEPH ROSCETTI, individually
and in the capacity as a Police Officer for
the VILLAGE OF HICKORY HILLS AND
RYAN BAJT, individually and in the
Capacity as a Police Officer for the
VILLAGE OF HICKORY HILLS.
Defendants.

No. 07 CV 7038

Judge John Darrah

JURY TRIAL DEMANDED

FILED

JUN 26 2008 TC

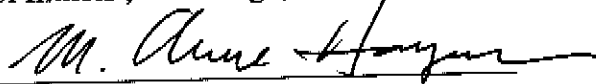
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MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

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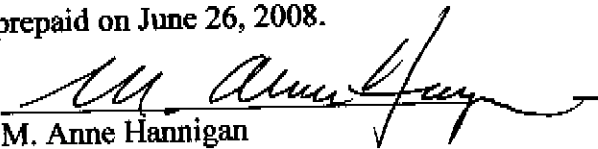
Alan Brinkmeier
Attorney for City of Hickory Hills
Merlo Kanofsky Brinkmeier & Gregg
208 South LaSalle Street Suite 950
Chicago, Illinois 60604

Please take note that on June 26, 2008, a copy of the attached Plaintiff's Response to Defendants' Motion to Dismiss was filed in the above matter at the office of the clerk of the US District Court for the Northern District of Illinois, in Chicago, Illinois.


M. Anne Hannigan, Esq.

CERTIFICATE OF SERVICE.

The undersigned hereby states that a copy of same was delivered to the above counsel of record by depositing same in the U.S. mail, postage prepaid on June 26, 2008.


M. Anne Hannigan
777 North Michigan Avenue
Chicago, Illinois 60611

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PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION TO DISMISS

Now Comes Plaintiff, Walter Sloan, by and through his attorney, M. Anne Hannigan, and hereby moves this court to deny Defenandts' Motion to Dismiss in part and in support thereof states as follows:

1. Plaintiff does not dispute Count I and II based upon the statute of limitations,
2. Plaintiff requests leave of Court to amend Count IV regarding a Monell claim against The Defendants.

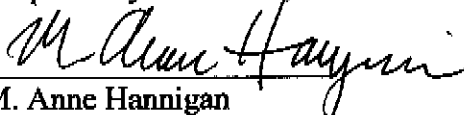
In his complaint, Sloan alleged that the officers used excessive force and violated his Fourth Amendment rights when they approached him and beat him to the point where he is partially deaf in one ear. He alleged further that the Village was liable for its failure to supervise and discipline the officers under Monell v. Department of Social Services, 436

U.S. 658, 98 S.Ct. 2018, 56 L.Ed.2d 611 (1978).

Sloan has pleaded **sufficient** facts to support his claim under federal notice pleading standards. However, the Village is not liable under **Monell** unless Sloan's constitutional claims are viable. Alexander, 433 F.3d at 557. Sloan did raise a genuine issue of material fact with respect to his constitutional claims against the officers, and so he can prevail against the Village; Rather than dismiss Count IV, Sloan would request leave to amend Count IV under Monell. See Pepper v. Village of Oak Park, 430 F.3d 805, 812 (7th Cir.2005).

Wherefore Plaintiff requests leave of Court to amend Count IV of his Complaint.

Respectfully Submitted,



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